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*Amendment*  
*Attorney Docket No. S63.2B-9918-US01*

*Remarks*

***Claim Rejections***

***35 U.S.C. §102(b)***

Claims 43-47 have been rejected under 35 U.S.C. §102(b) as being anticipated by Johnson (5,972,027) ('027).

Johnson discloses “[e]xpandable intraluminal stents made of a powdered metal or polymer are provided as well their method of manufacture. These stents are characterized by a desired porosity, with a drug compressed into the pores of the stent. The stents are formed by subjecting one or more powdered materials in a die cavity to a pressure treatment followed by a heat treatment. The material may be cast directly in a stent-like form or cast into sheets or tubes from which the inventive stents are produced. The so-formed porous metal or polymer stent is then loaded with one or more drugs.” (Abstract)

Applicant has amended claim 43 in accordance with the teleconference of December 3, 2004 with Examiner Ho to add the term “non-porous” to claim 43.

Claim 43 as amended is directed to an implantable medical device having a *non-porous* surface comprising a plurality of radiopaque regions, said plurality of radiopaque regions comprising a layer of particulate radiopaque material which is pressed into the surface and mechanically attached to said surface, and said implantable medical device including a first radiopaque region and a second radiopaque region, the first and second radiopaque regions of different radiopacities.

Claim 43 as amended is patentably distinct over Johnson ('027). Claims 44-47 depend from claim 43 and are patentable over Johnson ('027) for at least the reasons that claim 43 is patentable.

Applicant respectfully requests withdrawal of the rejection of claims 43-47 under 35 U.S.C. §102(b) as being unpatentable over Johnson ('027).

***35 U.S.C. §103(a)***

Claim 48 is rejected under 35 U.S.C. §103(a) as being unpatentable over Johnson '027.

Johnson '027 fails to suggest a non-porous stent as recited in claim 43 as

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discussed above.

Claim 48 depends from claim 43 and is patentable for at least the reasons that claim 43 is patentable over Johnson '027 as discussed above.

Applicant respectfully requests withdrawal of the rejection of claim 48 under 35 U.S.C. §103(a) as being unpatentable over Johnson '027.

Claims 49-55 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Johnson in view of Weaver et al. (6,641,776) ('776).

Johnson '027 has been discussed above.

Weaver ('776) discloses "X-ray imageable articles, for instance surgical implements or parts therefore which are used in minimally invasive surgical procedures, may be prepared by a process including the steps of: (a) preparing a mixture composition comprising: i) radiolucent particulate material selected from ceramic materials, metallurgic materials, and combinations thereof and having a particulate size of no more than 40 microns, ii) radiopaque particulate material selected from ceramic materials, metallurgic materials, and combinations thereof and having a particulate size of no more than 40 microns, and (iii) at least one polymeric binder material; (b) injection molding the mixture composition into a preform; (c) optionally removing the binder material from the preform; and (d) sintering the preform." (Abstract)

Claim 43 has been discussed above.

The combination of Johnson '027 and Weaver '776 fails to suggest a non-porous stent as recited in claim 43.

Claims 49-55 depend from claim 43 and are seen as being patentable over Johnson in view of Weaver for at least the reasons that claim 43 is patentable over Johnson in view of Weaver.

Applicant respectfully requests withdrawal of the rejection of claims 49-55 under 35 U.S.C. §103(a) as being unpatentable over Johnson '027 in view of Weaver '776.

Claims 43-47 and 49-55 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Weaver et al. '776.

Weaver '776 fails to suggest the non-porous stent as recited in claim 43 as discussed above.

Claims 44-47 and 49-55 depend from claim 43 and patentable for at least the

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reasons that claim 43 is patentable over Weaver '776.

Applicant respectfully requests withdrawal of the rejection of claims 43-47 and 49-55 under 35 U.S.C. §103(a) as being unpatentable over Weaver (6,641,776).

### CONCLUSION

Applicant has addressed each of the issues presented in the Office Action. Based on the amendment discussed in the teleconference of 12/03/04 with Examiner Ho, Applicant respectfully requests reconsideration and an early allowance of the claims as presented. Should any issues remain, the attorney of record may be reached at (952)563-3011 to expedite prosecution of this application.

Respectfully submitted,

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